

REMARKS

The official action of 12 March 2009 has been carefully considered and reconsideration of the application as amended is respectfully requested.

Claims 1 and 25 have been amended as discussed below.

New claims 26 and 27 have been added more completely to define the subject matter which Applicants regard as their invention through the use of the "consists essentially of" transitional to limit the scope of a claim to the specified materials and those that do not materially affect the basic and novel characteristic(s) of the claimed invention. See MPEP 2111.03. In this respect, the specification makes clear that the introduction of additional components that make the composition unfit for slip casting would materially change the characteristics of applicants' invention. See specification at, e.g., page 8, lines 12-17; page 11, lines 25-29 and discussion below.

Claim 6 has been amended to depend from claim 1 so as to facilitate its rejoinder upon the allowance of an allowed claim to the product. See MPEP 821.04.

The claims stand rejected under 35 USC 103(a) as allegedly being unpatentable over Tang in view of Applicants' alleged admission in the first full paragraph of the specification at page 8. Applicants respectfully traverse this rejection.

Claims 1 and 25 have been amended in accordance with the disclosure in the specification as filed at, for example, page 8, lines 12-17; page 11, lines 25-29 and page 12, lines 4-6. The amendment has been made to emphasize that the recited particle diameter parameters of the claimed composition are specifically adapted for use of the composition in **slip casting**. In particular, as recited in amended claims 1 and 25, the claimed composition is capable of regenerating a slurry for **slip casting** by mixing the agglomerates with water and stirring.

The Examiner has acknowledged that the primary reference, Tang, does not disclose the particle size of the ceramic fine powder that would form the claimed agglomerates. The Examiner relies upon the first full paragraph of page 8 of the specification to supplement this deficiency in the primary reference, but this reliance is respectfully misplaced. The portion of the specification upon which the Examiner relies specifically states that the described particle diameter distribution “corresponds to a particle diameter distribution which is commonly possessed by a slurry for a sanitary ware body **used in slip casting**.” However, as next discussed, Tang does **not** describe a slurry for a sanitary ware body that is **used (or useable) in slip casting!**

Tang relates to **press molding** as is clear from the description on col. 1, lines 28-40 of the Tang reference, and is thus irrelevant to **slip casting** as required in the present invention. In addition, although the Examiner refers to col. 8 lines 22 to indicate that Tang discloses a method of making ceramic compositions for sanitary ware, this cited portion appears to refer to **tiles**, rather than sanitary ware *per se*. Specifically, it is described on col. 8, lines 18-26 that “*the green body is further processed... to provide the final ceramic article, such as ceramic tiles ... Ceramic articles, such as tiles, provided by the process of the present invention can be used for indoor or outdoor applications, such as flooring, wall covering, spa, sanitary ware, countertops, bathroom and kitchen fixtures*” (*emphasis added*). The above cited description refers to sanitary ware, but it merely refers to one of the possible applications of “tiles”, which are made through **press molding**. (not slip casting). Accordingly, Tang merely teaches the production of tiles through **press molding**, and fails to teach or suggest production of sanitary ware through slip casting.

Press molding necessitates a binder, such as a polymer additive, as shown in the claims of the Tang reference, in order to ensure sufficient strength to serve as a green body. Indeed, with regard to the results of Example 1/1A, in which no polymer was added, it is described on col. 9, line 57 that “*However, the green strength decreases dramatically (25% or more) when large particle size granules are used to provide the*

green body in the absence of polymer additives of the present invention.” This clearly means that, in Tang’s invention, it is an object or a problem to be solved to ensure sufficient strength as a press-molded green body, and a polymer additive and an average particle size, as specified in claim 1 of the Tang reference, are required in order to achieve the above object and to solve the above problem. No other formation techniques other than press molding are taught or suggested by Tang.

The other issues that the Examiner raises are all related to press molding in the Tang reference, and are not applicable to slip casting as in the claimed invention. Thus, although the Examiner states that “*PAT provides that ‘the agglomerate has a 50% average particle diameter of 1 to 15 on a number basis. This particle diameter corresponds to the particle diameter distribution which is commonly possessed by a slurry for a sanitary ware body’* “, such particle diameter relates to slip casting, which is irrelevant to the press molding of the Tang reference. Those of skill in the art addressing the issues of press molding would have never considered referring to such particle size for slip casting.

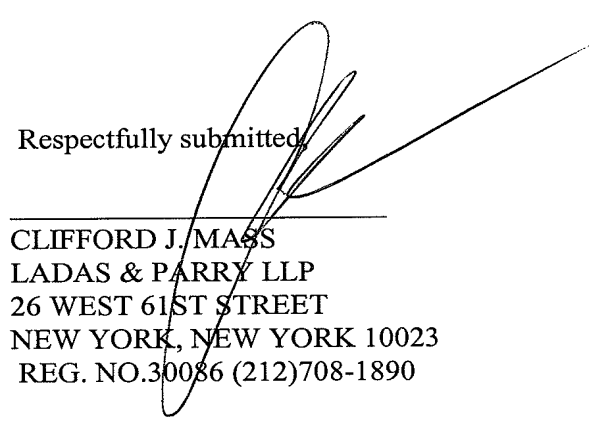
To the contrary, one of skill in the art would know that, if a mixture containing a polymer additive were subjected to slip casting, a plaster mold would be unavailable immediately because the capillaries would be clogged with the polymer additive. In other words, even if a polymer-containing mixture described by Tang were mixed with water and stirred as recited in amended claims 1 and 25, it would be impossible to form or regenerate a slurry for **slip casting**. Accordingly, there would have been no motivation or reason to modify Tang to arrive at the claimed invention. Moreover, a modification of Tang to make it useable for slip casting would improperly change the principle of operation of the reference. See MPEP 2143.01(VI) (“If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.”).

For the above reasons, the Examiner respectfully cannot combine Tang with the

alleged admission in the specification to arrive at the invention defined by any of the claims as amended. With particular respect to claims 26 and 27, these claims are *a fortiori* patentable because the “consists essentially of” transitional excludes the polymer additives described as necessary in Tang since they would materially and adversely alter the characteristics of the claimed composition for reasons discussed above.

In view of the above, Applicants respectfully submit that the prior art rejection and all rejections and objections of record have been overcome and that the application is now in allowable form. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,



CLIFFORD J. MASS
LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023
REG. NO.30086 (212)708-1890